

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Tribal Welfare – Adilabad – Revision Petition filed under section 6 of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 by Nusrath Begum W/o Late Abdul Waheed and others R/o Kerameri (V) Asifabad (M), Adilabad District against the orders of the Agent to Government, Utnoor in proceedings No:A4/LTR/5/91 dt:30-06-2007 – Dismissed – Orders – Issued.

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**SOCIAL WELFARE (LTR) DEPARTMENT**

**G.O.Ms.No: 181**

Dated:12-9-2008.

Read the following:-

1. From Ch.Premchandran Rao, Counsel for the Petitioner, Revision Petition dt:16-07-2007.
2. Government Memo No:4842/LTR2/2007 dt:17-07-2007.
3. From PO ITDA Utnoor in Letter No:A4/05/1991 dt:24-09-2007.
4. Government Memo No:4842/LTR2/2007 dt:19-03-08 & 17-06-2008.

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**ORDER:**

In the reference 1<sup>st</sup> read above Smt. Nusrath Begum W/o Late Abdul Waheed has filed a Revision Petition before the Government against the orders of the Agent to Government in proceedings No:A4/LTR/05/1991 ,dated:30-06-2007 relating to the land measuring Acres 5.30 cents in Sy.No:94/95/A and Acres 5.28 cents in Sy.No.94/95/B situated at Kermeri (V), Asifabad (M), Adilabad District. The main grounds of the appellant in the Revision Petition among others are as here under:-

- i) Late father-in-law of the 2<sup>nd</sup> petitioner and father of 3<sup>rd</sup> petitioner viz., Sri Hannan purchased the land in Sy.No.94/95/A measuring Ac.5.30 cents and Ac.5.28 guntas in Sy.No.94/95/B situated at Kerameri village and Mandal of Adilabad District from another non-tribal pattedar viz., Ershad Hussain prior to 1963. Since then they have been in possession and enjoyment and paying land revenue to the Government. After the death of Hannan, the land devolved on the revision petitioners.
  - ii) The Special Deputy Collector (TW), Utnoor did not consider the fact of petitioners purchasing the lands from another non-tribal pattedar prior to 1963. The Addl.Agent & PO ITDA Utnoor, also confirmed the same order. The Mandal Revenue Officer Kerameri reported it as patta land but Special Deputy Collector (TW) mentioned it as Government land.
  - iii) They were entitled for possession and enjoyment on the subject land as per the contents of G.O Ms.No.129 of 1978.
  - iv) The entries in the solitary pahani of 1989-90 were got managed and number of pahanies earlier there to, show their names and of vendor Ershad Hussain.
  - v) Since the transaction took place prior to 1963 between the non-tribals, the case is not hit by LT Regulations.
2. This case was initiated on receipt of a report No.A3/328/89 dt:13-9-1990 from the Mandal Revenue Officer, Kerameri stating that S/Sri Abdul Waheed is cultivating on Sy.No.94/95-A and 94/95-B extent 5.30 Acres and 5.28 Acres situated at Kerameri Village which pertains to a patta of tribals Sri Pendu Mohan S/o Mahadu and Pendur Suddu S/o Mohan R/o Chintakarra (V) of Kerameri (M) respectively. When the case was heard by the Special Deputy Collector (TW), Utnoor they deposed that the suit lands bearing Sy.No.94/95-A and 94/95-B measuring 5.30 and 5.28 acres respectively were purchased from the original pattedar Sri Ershad Hussain prior to 1-12-1963. In view of the record available and exercise of the powers conferred Under Section 3(2) of the A.P.S.A.L.T.R. 1959, the Special Deputy Collector (TW), Utnoor ordered for the ejectment of the transferees Sri Abdul Waheed S/o Hannan R/o Kerameri (V), and Sri. Abdul Muktar Ahmed S/o Hannan R/o Kerameri (V), from the tribal patta lands bearing Sy.No:94/95/A Extent 5.30 acres and 94/95/B Extent 5.28 acres respectively situated at village Kerameri and be reverted to Sri Pendur Mohan S/o Mahadu and

Pendur Suddu S/o Mahadu (Tribals) both residents of Chintakarra Village of Kerameri Mandal in case No.TWA1/837/90 dt:31-1-1991. Aggrieved by the orders of the Special Deputy Collector (TW), Utnoor Sri Abdul Waheed and Sri Abdul Muktedar have filed an appeal before the Additional Agent to Government, Utnoor. The Additional Agent to Government after examining the records of the Lower Court concluded that the appellant non-tribal had contravened G.O.Ms.No:1406/1958 by purchasing Government assigned land which is heritable but not alienable and also contravened Sub-section 1 of Section 3 of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 as Amended Regulation 1 of 1970. In exercise of powers conferred by him under Rule 8 (1) of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959, Regulation 1 of 1970, the Additional Agent to Government, Utnoor upheld the orders of the Lower Court and directed the Tahsildar Kerameri to restore the land to the Respondent i.e. Pendur Mohan (Tribal) and dismissed the case in Case No: A4/LTR/05.1991 dt:30-6-2007.

3. In the reference 2<sup>nd</sup> read above, the Agent to Government, Adilabad was requested to furnish parawise remarks and case records and the same were furnished in the reference 3<sup>rd</sup> read above. After examination of the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 27-03-2008 and on 30-06-2008 through the reference 4<sup>th</sup> read above. Both the petitioner and his counsel were absent on 27-3-2008. Petitioner absent and Counsel for the Petitioner present on 30-6-2008.

4. Government, after careful examination of the material evidence on record, found that:-

1. The petitioners had not submitted any documentary evidence in support of their claim that they purchased the land through an agreement of sale prior to 1963 from another non-tribal viz., Ershad Hussain before the Special Deputy Collector (TW), and Addl. Agent to Govt. Utnoor. The names of Muqtar Ahmed and Abdul Wahed were found in cultivation column in the pahani of 1970-71 but no right will be born to cultivate or occupy the Govt. or patta land in the notified village in contravention of LTR.
2. As the Govt. land was assigned patta to the tribals, the MRO reported as patta land of tribals.
3. The G.O.Ms.No.129, dt. 1.8.1979 was quashed by the Hon'ble High Court of AP in W.P.No.1755/80.

The only contention of the petitioners that they purchased the land under dispute through an agreement of sale prior to 1963 without any documentary evidence is not acceptable as per law. The burden of proof lies with the non-tribal petitioner only. Hence, the Revision Petition is devoid of merits.

5. Government after careful examination of the above facts and records of the case finds no reason to interfere with the orders of the Addl.Agent to Government, Utnoor in Case No: A4/LTR/05.1991 dt:30-6-2007 and dismiss the Revision Petition accordingly. The stay orders passed in the reference 2<sup>nd</sup> read above vide Government Memo No:4842/LTR2/2007 dt:17-07-2007 shall become inoperative.

6. The Collector, Adilabad /Agent to Government, Adilabad are requested to take necessary action in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**A.K.TIGIDI,  
PRL. SECRETARY TO GOVERNMENT**

To

The Collector, Adilabad District (W.E)

(With RPAD of the following records)

1. Case File No: TWA1/827/90 Containing CFP 111, NFP 4, Total pages 115 only.

2. Case File No: LTR/05/1991 containing CFP 234 pages only.

The Additional Agent to Government / PO ITDA (Utnoor), Adilabad.

The Special Deputy Collector (TW), Utnoor, Adilabad.

Smt. Nusrath Begum, W/o Abdul Waheed, Kerameri (V&M), Adilabad.

Sri. Abdul Muqtar Ahmed, S/o Hannan , Kerameri (V&M), Adilabad .  
Sri. Pendur Mohan, S/o Mohadu, Kerameri (V&M), Adilabad .  
Sri. Pendur Suddu, S/o Mohadu, Kerameri (V&M), Adilabad  
Sri.CH.Premchandana Rao & G.S.Anand, Advocates,  
H.No:5-9-22/44 F.3, Adarsh Nagar, Hyderabad.  
The P.S. to M (TW&RAID).  
SF / SC

**// FORWARDED BY ORDER //**

**SECTION OFFICER**